



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



Anthony Alibrio  
PO Box 170  
Center Harbor, NH 03226

**LETTER OF DEFICIENCY**

**#SP-2003-23**

October 14, 2003

RE: DES Wetlands File #2001-02522 Long Island, Moultonborough

Dear Mr. Alibrio

On September 12, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Moultonborough Tax Map 3, Lot 30, Long Island, Moultonborough, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

A patio structure has been constructed with an area of approximately 1460 square feet, within 50 feet of the Lake Winnepesaukee normal high water line ("reference line"). Env-Ws 1405 requires accessory structures greater than 150 square feet to be setback a minimum of 50 feet from the reference line of waterbodies subject to RSA 483-B.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration report/plan to DES that describes how compliance will be achieved with the deficiency cited above. The deficiency may be corrected by reducing the patio to 150 square feet while maintaining a 20 foot setback from the lake reference line; or a larger patio would need to be located at least 50 feet from the lake reference line.
2. Implement the restoration report/plan only after receiving written approval and as conditioned by DES.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Allyson Gourley, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,



Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 1715

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Moultonborough Conservation Commission  
Moultonborough Board of Selectmen  
David Killoy, US Army Corps of Engineers